

Appln. No. 10/828,804

Attorney Docket No. 10541-1971

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claim 1 has been amended, claims 2, 3, 8, and 10 stand withdrawn from consideration, and new claims 13-20 have been added. New Independent claim 13 has been added and includes the limitations of original claim 1 and a more specific description for clarity. Dependant claims 14-20 correspond to claims 4-7, 9, and 11-12 respectively. The new claims are therefore readable on the elected species. Accordingly, after entering this amendment, claims 1, 4-7, 9, and 11-20 remain pending in the present application.

Claims 1 and 12 are generic to all embodiments of the invention, therefore, claims 2, 3, 8, and 10 stand withdrawn from consideration. If claims 1 and 12 are ultimately not allowed, claims 2, 3, 8, and 10 will be cancelled.

Objections to the Claims

The Examiner has objected to the claims because of an informality at line 8 of claim 1. Accordingly, the Applicants have amended claim 1 to correct the informality and respectfully request that the Examiner reconsider and withdraw these objections to the claims.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1, 4-6, and 11-12 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,852,704, issued to Brockenbrough et al. (Brockenbrough).

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The Applicants assert that that Brockenbrough does not teach each and every element of the invention as described in claim 1. Specifically, Brockenbrough does not teach "a first base layer having ... integrally formed, hollow, first elements..." that define "...a convex impact surface..." and "a second base layer having ... integrally formed, hollow, second elements..." that define "...a convex impact surface..."

The Examiner references elements 16 and 14 of Brockenbrough as the first and second base layers. However, the device shown in Brockenbrough does not include first and second base layers having first and second hollow elements formed therein. Referring to Lines 65-68 of column 2, and line 1 of column 3 of the specification of Brockenbrough, the elements of Brockenbrough are "first sinusoidal-shaped sheet metal strip 12, second sinusoidal-shaped sheet metal strip 14, third sinusoidal-shaped sheet metal strip 16". The sinusoidal-shaped sheet metal strips 12, 14, 16 of Brockenbrough are merely ribbons of metal bent into a sinusoidal pattern. They are not hollow structures projecting from a base layer. Referring to the figures of the present application, it is clear that the base layers are a distinct structure and the first and second elements are "projecting" from them and are hollow.

When the device of Brockenbrough undergoes an impact, the energy dissipation will be only along the longitudinal length of the elements 12, 14, 16, because the curvature of the metal strips is only along the longitudinal axis. The dome shaped projecting elements of the present invention will spread energy 360 degrees around the projecting elements. This will improve not only the "on-axis" energy absorption characteristics, but also the "off-axis" energy absorption characteristics, as discussed in the background of the present application.

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The Applicants assert that claim 1, as originally filed, including the limitation of "projecting elements" that define "a convex impact surface", is novel over Brockenbrough for the reasons stated above. New claim 13 has been added that includes the limitations of claim 1 as originally filed, and further includes the limitation that the elements are "dome-shaped". The Applicants assert that this language was added to claim 13 for clarity, and does not constitute new matter, as the term "dome-shaped" appears in the specification as filed.

Therefore, the Applicants respectfully assert that claim 1 is allowable over Brockenbrough, and claims 4-7, 9, and 11-12 are allowable as depending, either directly or indirectly, from allowable independent claim 1. Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw these rejections under 35 U.S.C. §102(b).

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Claim Rejections - 35 U.S.C. §103(a)

Claims 7 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brockenbrough in view of United States Patent Publication No. 2002/0017805, to Carroll et al. (Carroll).

The Applicants assert that claim 1 is allowable in light of the arguments made above. Therefore, the Applicants assert that claims 7 and 9 are allowable as depending, either directly or indirectly, from allowable independent claim 1. Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw these rejections under 35 U.S.C. §103(a).

New Claims

New claims 13-20 have been added. New independent claim 13 has been added and includes the limitations of claim 1. Dependant claims 14-20 correspond to claims 4-7, 9, and 11-12 respectively.

In light of the arguments made above, the Applicants assert that new claims 13-20 are allowable over the cited art. Further, the Applicants assert that new claims 13-20 do not constitute new matter, as the descriptive terms that were added to claim 13 were used in the description found in the specification as originally filed.

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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Applicant authorizes charging of any fee deficiency to the deposit account of Applicant's assignee, Visteon Global Technologies, Inc., as indicated in the Transmittal accompanying this Statement.

Respectfully submitted by,

Dated:

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